

REMARKS

Claims 1-3 and 5-8 are pending in the present application. Claims 1-3 stand rejected. By this amendment, new claims 5-8 have been added and no new matter is added thereby. The Applicant respectfully requests reconsideration of the rejections of claims 1-3 in light of the following comments.

The rejection of claim 1 under 35 U.S.C. §102(a) as being unpatentable by Nelson et al. (U.S. Patent No. 5,812,857) was made final in the present Office Action. The Applicant again respectfully traverses this rejection for the following reasons.

The Office Action asserts that Nelson discloses the claimed feature of “automatically reconfiguring the physical hardware structure of the first computer.” The Applicant respectfully disagrees and maintains that Nelson merely discloses a computer system 1 having a persistent memory area 9 that is configurable from a functional or software standpoint. No physical hardware reconfiguration is actually performed in the system of Nelson. The referenced description in Nelson of a switch (download select means 7) implemented either in hardware or software to enable the device to function either in a normal operating mode or a download mode is not tantamount to reconfiguring the physical hardware structure of the computer system 1 or the persistent memory area 9. (See col. 4, ll. 23-26). Rather, the download select means 7 is merely a toggle between two operating modes and is essentially unrelated to the physical hardware structure of the computer system 1. Accordingly, the Applicant respectfully submits that the present Office Action fails to establish that this element of claim 1 is actually taught or suggested by Nelson.

In response to the above argument, the final Office Action responds by citing column 3, lines 29-35 and column 5, lines 1-3 of Nelson as putative evidence to the contrary. These sections, however, merely evince that a field configurable embedded computer is extant, not that physical hardware configuration is actually performed. To the contrary, as argued above, Nelson does not teach this claimed feature, but merely configuration data with a software portion. Indeed, line 14-16 of the second numbered paragraph “1.” on page 2 of the Office Action recognizes that Nelson only teaches loading new software components into a network computer in order to replace old software components.

Furthermore, Nelson does not disclose the claimed feature of “loading first configuration data including a hardware portion and a software portion.” Instead, Nelson merely teaches downloading of a code set 41 that is a software computer file (see col. 5, ll. 5-9 and col. 4, ll. 28-31) executable by a central processing unit 11. Thus, the system of Nelson does not require code for reconfiguring the physical hardware of the computer 1, namely the central processing unit 11, and the addition of a hardware portion to the code would be superfluous since the computer 1 of Nelson has no need for nor could it use such data. The final Office Action states that “Nelson’s stated Network drivers that can be [sic] interpreted software component [sic] for network devices (e.g., Network cards, NICS) that are hardware components of the computer system.” Assuming this is a reasonable interpretation, it does not necessarily follow that Nelson teaches the claimed feature of transmitting “configuration data including a hardware and software portion” and “reconfiguring the physical hardware structure of the first computer” with the aid of the hardware portion. Nelson does not differentiate between software and hardware portions of the configuration data. Rather, Nelson merely teaches transmitting configuration data that exclusively comprises software portions. As stated above and recognized in the Office Action, Nelson only discloses replacing software components of a network computer (i.e., a network driver) with new software (i.e., a new network driver). Thus, Nelson does not reconfigure the physical hardware structure of the network computer in any way.

According to the above arguments, the Applicant respectfully submits that Nelson does not teach or suggest the elements of claim 1.

Claims 1-3 were also finally rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al. (U.S. Patent No. 6,012,088) in view of Tang et al. (U.S. Patent No. 6,298,370). The Applicant again respectfully traverses this rejection for the following reasons.

According to the present Office Action, Li putatively teaches all of the elements of claim 1 except for processing a first task with a first computer configured with first configuration data. Tang is asserted as teaching this missing element. The Office Action further asserts that it would be obvious to incorporate processing taught by Tang with the method of Li in order to reduce latency through multitasking. The Applicants respectfully disagree with the assertion that the combination of Li and Tang teaches or suggests all of the elements of claim 1.

In particular, neither Li or Tang teaches an actual reconfiguration of a physical hardware structure of a computer. In Li, in particular, an Internet access device 100 is disclosed that is able to automatically configure itself for communication with the Internet using information contained in the configuration record. This configuration record, however, merely contains information such as customer domain name, customer LAN network IP address, the Internet access device IP address, the DHCP range, time zone and NTP servers for time configuration, IP addresses for forwarding name servers, PPP account log in and password information, web mirroring configuration information, and mail configuration information. (See col. 14, ll. 53-63). Thus, the "configuration" being accomplished in the Internet access device 100 of Li is merely to set up particular settings necessary for connecting the device to the Internet. Such "configuration" is not a physical hardware reconfiguration, but merely setting parameters via downloaded software to set up (or "configure") a device for Internet accessibility. Further, the system of Tang does not teach or suggest reconfiguring the physical hardware structure of a computer. Accordingly, the Applicant respectfully submits that claim 1 would not be obvious over the combination of Li in view of Tang.

In response to the arguments above, the present Office Action states that "[i]t should be appreciated that the configuration record may contain any other information needed by the Internet access device to automatically configure itself for communication with a wider variety of communication lines in order to connect to the Internet (col. 14, lines 66-67, col. 15, lines 1-3)." Even if this statement were true, how this relates to the claimed element of "automatically reconfiguring the physical hardware structure of the first computer" or how this provides evidence of a teaching of the claimed element is not clear. In fact, this statement is merely conjecture and does not somehow prove that a proper showing that the cited references teach the claimed feature has been made. Quite simply, the cited references do not teach or suggest the claimed element and speculation that they might (which, in this case, they clearly do not) is not in accordance with proper examination of claims.

Moreover, neither Li nor Tang teaches or suggests configuration data that includes a hardware portion and a software portion as featured in claim 1. Accordingly, the Applicant submits that this element is also not taught or suggested by the combination of Li in view of Tang.

In light of the above comments, the Applicant respectfully submits that claim 1 is allowable over the combination of Li and Tang and requests that the rejection of this claim be withdrawn, accordingly.

With respect to dependent claims 2 and 3, the Applicant submits that these claims are allowable at least by virtue of their dependency on claim 1.


Concerning newly added claims 5-7, the Applicant submits that these claims are also allowable over the prior art of record at least for reasons presented above with respect to claims 1-3.

In light of the foregoing, the Applicant submits that the present application is in condition for allowance and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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